



9-23-04

IPW

Keith Bryant
1281 East Blue Heron Blvd
Singer Island, Florida 33404

September 21, 2004

Application No. 10/810,876
Art Unit: 3736
Examiner: Navin Natnithithadha

NOTICE OF OFFICE ACTION RECEIVAL

Dear Examiner Natnithithadha,

Your kind and professional way of providing the important information concerning my patent application under the Petition to Make Special Due to Illness was received yesterday, after returning to the site of the devastation done by hurricane Frances, so please forgive any delay in promptly responding. I can detect the consideration you have taken to help me see what necessary actions to take, in order to properly submit the next format. You obviously took special care to show me in detail, how to correctly submit each segment required by your office. Thank you.

Upon your suggestion, (and being that I am presently in such debt, due to hospital bills etc.), I am going to sell everything I can to acquire the finances to obtain a Patent Attorney and while doing so, I am buying the book "How to Patent It Yourself". With your permission I would like to send you drafts of what I feel I can accomplish for your review if acceptable. If I show any promise to your satisfaction, and perhaps with your help, I can save some money for the attorney costs. Kindly provide a fax number should this be acceptable.

Please be aware that I understand the "liability", of not properly handling *something* as important as this, due to my present unfamiliarity, as described on page 13, section 12 of your OFFICE ACTION SUMMARY. With this in mind, I will be doing everything in my power to secure the services of a registered patent attorney, as I am basing all that I have on the possibility, that my present invention will provide an opportunity that my family may benefit. This is the most important consideration I am taking at this time, or have taken in my life!

I have worked for years on this project, due to the fact that the Incentive Spirometer is a device I have been required to use many times personally. I can see how the prompting aspect of my invention could be truly helpful to others. Acquiring an attorney to work on the necessary format and proof of its novel ability to provide electronic measurement in a new way, as well as, allowable corrections which show uniqueness, (without changing the function of the present invention), I am of hope and belief that my new invention is worthy of being granted a United States Patent and will be working on providing you with whatever is necessary to fulfill the described requirements you have formatted.

I am aware that you were the Assistant Examiner on other projects that relate to the Incentive Spirometer and I know that you have obviously moved up in the position you presently possess, so I feel extremely fortunate to have someone of your caliber and qualifications working with me.

Again, thank you in advance for your help and please do not hesitate to call me should you need me to do anything to expedite the necessary procedures you require.

Sincerely,

T.K. Bryant
561-308-4506 Hm
561-863-4651 Fax

DRAFT

Office Action Summary

SEP 22 2004

Application No.

0/810,376

Applicant(s)

BRYANT, TERRY KEITH

Examiner

Navin Natnithithadha

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

COPY

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____